REMARKS

Claims 24-42 are pending in the above-identified application. Based on a required election, claims 1-9, 14-19, and 21 were withdrawn without prejudice. Claims 10-13, 20, and 22-23 are cancelled. Claims 24-42 are new. Accordingly, claims 24-42 are at issue.

Prior to the first office action, the Examiner telephoned Gordon Gray, informed Mr. Gray that a restriction requirement was necessary, and asked Mr. Gray to elect prosecution of claims associated with Group A: Figs. 9-11, Group B: Figs. 12-13, or Group C: Figs. 14-16. During that call, Mr. Gray provisionally elected to prosecute the claims (10-13 and 20) associated with Group B. In the first office action dated July 1, 2005, the Examiner noted the election of Group B and mentioned there was no generic claim. In the response dated January 3, 2006, Applicant affirmed the election to prosecute the Group B claims.

Applicants have now restructured the claims by adding new generic claim 24. As such, to put the claims in a logical arrangement, Applicants have cancelled independent claims 10 and 20, and have added new dependent claims to generic claim 24 with coverage similar to the previously presented claims. The generic claim includes the limitations from both elected Group B and non-elected Group A. In particular, claim 24 includes the limitation that the container body comprises "at least one protrusion projecting inwardly into the cavity."

This application is a continuation-in-part of Application Ser. No. 10/412,008 filed on Apr. 11, 2003, and which was previously incorporated by reference herein. With this amendment and communication, Applicants have replaced the specification to explicitly set forth the entire disclosure of co-pending Application Ser. No. 10/412,008. Similarly, the drawings from Application Ser. No. 10/412,008 have been added. The drawings include the replacement drawings of Application Ser. No. 10/412,008 submitted during prosecution. The replacement drawings were already found to have no new matter. Since Application Ser. No. 10/412,008

filed on Apr. 11, 2003, was incorporated by reference into the specification, no new matter has been added.

I. Double Patenting Rejection

A terminal disclaimer is submitted herewith. In view of the terminal disclaimer, the double patenting rejection is now moot.

II. 35 U.S.C. § 103 Obviousness Rejection of Claims

Claims 10-13 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yang (U.S. Patent No. 6,378,325) in view of Florian (U.S. Patent No. 3,989,158). In view of the cancellation of these claims, the rejection is now moot. However, this rejection is considered with regard to new independent claim 24.

In new independent claim 24, Applicants include that limitation that "the relatively large food items are stored away from small food ingredients until just before consumption." Neither Yang nor Florian, alone or in combination, teach or suggest a container where the relatively large food items are stored away from small food ingredients until just before consumption.

Yang is directed to a salad bowl with a cooling function. (See Yang Abstract.) The body bowl 1 of the salad bowl has recesses 10, 40, which are filled with ice cubes 5 to provide cool air to the body bowl 1. (See Yang col. 2, lines 39-41; Fig. 3.) The cool air coming from the ice cubes 5 penetrates the plurality of perforated holes 20, 42 to keep the vegetables or fruit salad 6 fresh. (See Yang col. 2, lines 47-51.) Yang fails to teach or suggest a container where the relatively large food items are stored away from small food ingredients until just before consumption, as recited by claim 24. In fact, Yang specifically **teaches away** from combining the contents of recesses 10, 40 with the vegetables or fruit salad 6, stating:

> [T]he water melt from the ice cubes 5 under the heat of summer days will be limited to be stored respectively in the recess 10 of the body bowl 1 and the recess 40 of the receiving pan 4 **without the possibility of being directly mixed with the vegetable or fruit salad 6** and making the vegetable or fruit salad 6 become putrefactive after being continuously soaked in water, by which the vegetable or fruit salad 6 can be kept fresh in a longer period. (Yang Col. 2, lines 53-60.)

Florian is directed to a self-draining saucer provided by a combination of two concave discs. (See Florian Abstract). The lower concave disc 11 fits snugly to the under side of the upper concave disc 10. (See Florian col. 2, lines 14-17; Figs 1-2.) A plurality of holes 13 are pierced through a portion of the upper disc 10 to drain spilled liquid from the upper concave face of the combination saucer. Setting aside whether Florin is even analogous art or appropriately combined with Yang, Florian fails to teach or suggest a container where the relatively large food items are stored away from small food ingredients until just before consumption, as recited by claim 24.

Applicants have previously informed the Office that the parent application is co-pending and have submitted all of the art or record therein, including Gasbarra et al. and Ando, which were identified in the office action dated July 21, 2006. Gasbarra et al. is directed to a package for storing and heating frozen food. (See Gasbarra Abstract.) The package has a chamber 12 that is divided into upper and lower compartments 19 and 21, respectively, by means of a shaped baffle 20 with apertures 32. (See Gasbarra col. 2, lines 34-36.) The baffle 20 supports food to be cooked and has a compartment 24 that contains ice chips. (See Gasbarra col. 2, lines 38-40.) During cooking, the ice melts within the compartments 24 and causes droplets of water 33 to fall onto the lower compartment 21 of the chamber 12. (See Gasbarra col. 2, lines 46-50.) The water that reaches the bottom is converted into steam 34, which is forced upwardly through the apertures 32, heating the food. (See Gasbarra col. 2, lines 50-59.) Gasbarra et al. does not

disclose a selective barrier that provides passage through the barrier of relatively small food ingredients both into and out of the lower chamber so that the relatively large food items are stored away from the small food ingredients, as recited by claim 24. Specifically, Gasbarra et al. does not teach small food ingredients passing both into and out of the lower chamber. Steam is not a small food "ingredient" under even the broadest interpretation of the word, and especially as contemplated by the specification, which lists salad dressing, ground pepper, and pasta sauce as examples of small food ingredients.

Furthermore, dependent claims 36 and 37 further distinguish claim 24 from Gasbarra et al. Claim 36 provides that just before consumption the small food ingredients at least partially coat the relatively large food items. Even if the steam in Gasbarra et al. could somehow be construed to be a small food ingredient, which Applicants strongly dispute, steam does not "coat" -- partially or otherwise -- the relatively large food items, where coat primarily means providing a layer on the surface of the relatively large food items. Claim 37 provides an additional limitation that the small food ingredients have a viscosity greater than water. The more resistance a substance has to flowing, the higher its viscosity. For instance, water has a higher viscosity than steam. And salad dressing, ground pepper, and pasta sauce each have higher viscosities than water. Thus, it is clear that Gasbarra et al. does not teach or suggest small food ingredients with a viscosity greater than water passing both into and out of the lower chamber.

Ando is directed to a lid that is fitted in a receptacle and creates a passageway connecting the inside of the receptacle with the part of the receptacle above the bottom portion of the lid. (Ando Abstract.) The lid is formed with holes through which hot water is poured into the receptacle and removed therefrom during preparation for consumption. (Ando col. 2, lines 40-43.) Water from inside the receptacle is removed without mixing with any food items located on top of the bottom portion of the lid, and as explained above, steam is not a small food ingredient.

Further, steam from inside the receptacle does not "coat" any relatively large food items, and any small food ingredients that pass both into and out of the bottom portion of the lid do not have a viscosity greater than water, as recited in claims 36 and 37, respectively.

Independent claim 38 has many of the same limitations as claim 24, and accordingly is patentable over Yang in view of Florian, and further in view of Gasbarra et al. and Ando.

Claims 25-37 depend from claim 24. Claims 39-42 depend from claim 38. Accordingly, claims 24-42 are patentable over Yang in view of Florian, and further in view of Gasbarra et al. and Ando.

III. Conclusion

In view of the above amendments and remarks, Applicants submit that all claims are clearly allowable over the cited prior art, and respectfully requests early and favorable notification to that effect.

The Commissioner is hereby authorized to charge any additional fees which may be required, or to credit any overpayment to Account No. 19-3140.

Respectfully submitted,

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